

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE: 3443 ZEN GARDEN, L.P. DEBTOR.	§ § § § §	CASE NO. 1:20-10410-HCM Chapter 11
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NOTICE OF AMENDED BUDGET

Gregory S. Milligan, Chapter 11 Trustee (the “Trustee”) of the bankruptcy estate (the “Estate”) of 3443 Zen Garden L.P. (the “Debtor”) hereby files this Notice of Amended Budget.

PLEASE TAKE NOTICE THAT the Court entered its *Amended Final Order Granting Chapter 11 Trustee’s Motion to Obtain Secured Credit on an Interim and Final Basis* (ECF No. 144, the “Final Financing Order”).

PLEASE TAKE FURTHER NOTICE THAT attached to the Final Financing Order is the original approved final budget (the “Original Final Budget”) that governs the Estate’s use of funds under the credit facility (the “Credit Facility”) provided to the Estate by Romspen Mortgage Limited Partnership (the “Lender”).

PLEASE TAKE FURTHER NOTICE THAT in accordance with paragraph 6(b) of the Final Financing Order, the Trustee, upon reasonable consultation with the Lender, may amend the Original Final Budget by filing a proposed amended budget (the “Amended Budget”). A copy of the Amended Budget is attached hereto.

PLEASE TAKE FURTHER NOTICE THAT any party with standing shall have until **5:00 p.m. (prevailing central time) on the Wednesday, July 29, 2020** to file a written objection to any portion of the Amended Budget with a corresponding motion and uploaded proposed order requesting an expedited hearing on the objection in conformance with Local Rule 9014(e) and Judge Mott’s special procedures regarding expedited hearings,¹ and such objection shall be resolved, whether by agreement or order of the Court, subject to the Court’s availability, within four (4) days after the filing of the Amended Budget.

PLEASE TAKE FURTHER NOTICE THAT absent any timely objection, the Amended Budget shall be effective and become the “Budget” as that term is used in the Final Financing Order.

¹ Available at <https://www.txwb.uscourts.gov/procedures-judge-h-christopher-mott#motion-expedite>

Dated: July 27, 2020

/s/ Scott D. Lawrence

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**COUNSEL FOR GREGORY S. MILLIGAN,
CH. 11 TRUSTEE FOR 3443 ZEN GARDEN, L.P.**

CERTIFICATE OF SERVICE

I certify that on July 27, 2020, a true and correct copy of the forgoing was served on the following parties at the indicated email addresses:

Christopher G Burwell on behalf of Creditor Wembley Metal Buildings, LLC
cburwell@baileyandbaileypc.com

Martyn B. Hill on behalf of Creditor Lone Star Materials, Inc.
mbh@pdhlaw.com, eservice@pdhlaw.com; mah@pdhlaw.com; sserry@pdhlaw.com

B. Russell Horton on behalf of Debtor 3443 Zen Garden, LP and Creditor Panache Development & Construction, Inc.
rhorton@gbkh.com, kseabolt@gbkh.com

Paul H. Jordan on behalf of Creditor Texas Air, LLC
pjordan@sneedvine.com, gtwnfilings@sneedvine.com

Tara LeDay on behalf of Creditor The County of Hays, Texas
tleday@ecf.courtdrive.com; kmorriss@mvalaw.com; vcovington@mvalaw.com; bankruptcy@mvalaw.com; alocklin@mvalaw.com

Kell C. Mercer on behalf of Petitioning Creditor ACM Services LLC, Petitioning Creditor Austin Glass & Mirror, Inc., Creditor Lyle America, Inc. d/b/a Glass.com of Illinois, Creditor Hill Country Electric Supply, L.P., Creditor Koetter Fire Protection of Austin, LLC
kell.mercer@mercerc-law-pc.com

Annmarie Antoniette Chiarello on behalf of Interested Party Rob Roy Parnell, the Receiver
achiarello@winstead.com, dgalindo@winstead.com

Lisa M. Norman on behalf of Creditor American Builders and Contractors Supply Co., Inc. d/b/a ABC Supply Co., Inc.

lnorman@andrewsmyers.com, kdubose@andrewsmyers.com

Danielle Nicole Rushing and Bruce J. Duke on behalf of Interested Party Lincoln 1861, Inc., Dan White and Daniel White

drushing@dykema.com, lvasquez@dykema.com; docketsat@dykema.com.

Thomas C. Scannell on behalf of Creditor and Interested Party Romspen Mortgage Limited Partnership

tscannell@foley.com, acordero@foley.com

Jason A. Starks on behalf of Creditor Travis County

bkecf@traviscountytexas.gov

Jeffrey M. Tillotson on behalf of Creditor Dan White

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United States Trustee - AU12

ustpreion07.au.ecf@usdoj.gov

Richard James Wallace, III on behalf of Creditor Equipmentsshare.com, Inc.

richard.wallace@solidcounsel.com

Stephanie L O'Rourke on behalf of Creditor Capital Pumping, LP

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Deborah D. Williamson on behalf of Creditor Dan White Family Trust and Dan White

dwilliamson@dykema.com, mlongoria@dykema.com; docketsat@dykema.com

Robert L. Barrows on behalf of Creditor H&H Crane Services, Inc. dba Texas Crane Service

rbarrows@wdblaw.com, bchapa@wdblaw.com; PACERnotice@gmail.com

Misti Lachelle Beanland on behalf of Creditor Ferguson Enterprises, LLC

beanland@mssattorneys.com

/s/ Scott D. Lawrence

3443 Zen Garden LP

Final Postpetition Budget - August Update

Week Ending:

Beginning Cash Balance

RECEIPTS

Total Cash Receipts

DISBURSEMENTS

Utilities

	7-Aug	14-Aug	21-Aug	28-Aug	4-Sep	11-Sep	18-Sep	25-Sep	Update - Aug/Sept
City of Austin			18,000				18,000		\$ 36,000
Waste Connection	1,600				1,600				3,200
Texas Gas			150				150		300
Spectrum					400				400
AT&T			145						145
Total Utilities	1,600	-	18,295	-	2,000	-	18,150	-	40,045

Security & Maintenance

	7-Aug	14-Aug	21-Aug	28-Aug	4-Sep	11-Sep	18-Sep	25-Sep	Update - Aug/Sept
IPSA	6,500	6,500	6,500	6,500	6,500	6,500	6,500	6,500	52,000
ProVigil	1,804				1,804				3,608
Simpli-Safe		27		27		27		27	108
Austin Porta Potty		750				750			1,500
Koetter Fire Alarm Protection Monitoring									-
The Bug Master					400			400	800
Panache Development				8,200				8,200	16,400
Panache Development	2,700	2,700	2,700	2,700	2,700	2,700	2,700	2,700	21,600
Panache Development	7,300	800	800	800	800	800	800	800	12,900
Environmental Services	12,000			5,000					17,000
Emergency Repairs				15,000				15,000	30,000
Total Security & Maintenance	30,304	10,777	10,000	38,227	12,204	10,777	10,000	33,627	155,916

Insurance

Property Insurance - with Builder's Risk									-
Panache Development - Reimb for project-specific coverage									-
Total Insurance	-	-	-	-	-	-	-	-	-

Other Preservation Disbursements

	7-Aug	14-Aug	21-Aug	28-Aug	4-Sep	11-Sep	18-Sep	25-Sep	Update - Aug/Sept
Structures, Inc				13,500				13,500	27,000
GSC Architects				22,500				22,500	45,000
Doucet Engineering				8,100				8,100	16,200
ECS Southwest				3,600				3,600	7,200
Blu Fish Collaborative				4,500				4,500	9,000
Mint Engineering				13,500				13,500	27,000
Panache Development	17,000	17,000	17,000	17,000	17,000	17,000	17,000	17,000	136,000
ACM Services									-
Foundation Remediation / Repair	75,000			75,000					150,000
French Drains	32,000			32,000					64,000
Steel Modification - Labor & Materials									-
Equipment Rental	13,500								13,500
Partner Engineering and Science	13,000								13,000
BK Environmental Services, Inc	995								995
Panache Employee Overhead	18,250		18,250		18,250		18,250		73,000
Property Taxes									-
Total Other Preservation	169,745	17,000	35,250	189,700	35,250	17,000	35,250	82,700	581,895
Total Preservation	201,649	27,777	63,545	227,927	49,454	27,777	63,400	116,327	777,856

Legal / Regulatory

PDA

	7-Aug	14-Aug	21-Aug	28-Aug	4-Sep	11-Sep	18-Sep	25-Sep	Update - Aug/Sept
Doucet Engineering				24,000				24,000	48,000
Mike Wilson									-
Total PDA	-	-	-	24,000	-	-	-	24,000	48,000

TxDOT

	7-Aug	14-Aug	21-Aug	28-Aug	4-Sep	11-Sep	18-Sep	25-Sep	Update - Aug/Sept
Doucet Engineering				12,000				12,000	24,000
ECS Southwest				5,000				5,000	10,000
GeoTest				2,500				2,500	5,000
Spaceco				25,000				25,000	50,000
Blu Fish Collaborative				8,000				8,000	16,000
McMinn Surveying				5,000				5,000	10,000
Total TxDOT	-	-	-	57,500	-	-	-	57,500	115,000
Total Legal / Regulatory	-	-	-	81,500	-	-	-	81,500	163,000

Bankruptcy Carve-Outs

	7-Aug	14-Aug	21-Aug	28-Aug	4-Sep	11-Sep	18-Sep	25-Sep	Update - Aug/Sept
Chapter 11 Trustee Fees (a)	16,000	11,000	11,000	16,000	11,000	11,000	11,000	11,000	98,000
Wick Phillips (a)	35,000	35,000	15,000	25,000	12,500	12,500	25,000	30,000	190,000
Harney Partners (a)	5,000	5,000	5,000	10,000	5,000	5,000	5,000	5,000	45,000
Sprouse Shrader Smith PLLC (a)				15,000					15,000
Foran, O'Toole & Burke (c)									-
Fritz Byrne, Head & Gilstrap PLLC (a)									-
Gindler, Chappell, Morrison & Co. PC	8,500								8,500
DIP Lender Post-Petition Professional Fees & Expenses									-
Petitioning Creditors 503(b)(3)(A),(E) and (4) Claim (a)									-
Trustee Investigation Carve-Out (a)									-
Trustee Default Carve-Out (a)									-
United States Trustee Fees								17,500	17,500
Total Bankruptcy	64,500	51,000	31,000	66,000	28,500	28,500	41,000	63,500	374,000

Net Cash Flow

	(266,149)	(78,777)	(94,545)	(375,427)	(77,954)	(56,277)	(104,400)	(261,327)	(1,314,856)
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Ending Cash Balance

	\$ (266,149)	\$ (344,926)	\$ (439,471)	\$ (814,898)	\$ (892,852)	\$ (949,129)	\$ (1,053,529)	\$ (1,314,856)	\$ (1,314,856)
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NOTES:

(a) to be paid into Professional Fee Escrow account